

REMARKS

Claims 1-52 are pending in the application. Claims 1-52 have been rejected. Claims 1-52 are not amended. Reconsideration and withdrawal of the rejections set forth in the Office Action dated June 19, 2006, are respectfully requested.

Rejections under 35 U.S.C. §103

Claims 1-6, 8-19, 21-32, 34-45, and 47-52 are rejected under 35 U.S.C 103(a) as allegedly being unpatentable over U.S. Patent No. 6,574,618 (hereinafter "Eylon et al.") in view of U.S. Patent No. 6,343,287 (hereinafter "Kumar et al.") and further in view of U.S. Patent No. 6,374,402 (hereinafter "Schmeidler et al."). Claims 7, 20, 33, and 46 are rejected under 35 U.S.C 103(a) as allegedly being unpatentable over Eylon-Kumar-Schmeidler as applied to claims 1, 14, 27 and 40 above, and further in view of U.S. Patent No. 6,457,076 (hereinafter "Cheng et al."). This rejection is respectfully traversed for the following reasons.

Examiner's Response to Remarks (3.2)

The applicants respectfully disagree with the Examiner's characterization of the prior art and the characterization of the applicant's disclosures in Remarks dated February 28, 2006. For example, on page 2 of the Office Action the Examiner states:

Applicant argues that the referenced prior art does not disclose " ... providing installation monitoring means conventionally coded application program ... " (see

Remarks Page 14, Lines 10-12) ; “ ... monitoring an installation process of a conventionally coded application ... “ (see Remarks Page 14, Lines 15-16)

Eylon (6,374,402) prior art discloses the execution of application program(s). (see Eylon col. 3, lines 42-47) No mention is disclosed that the applications are not conventionally coded applications . No mention is disclosed that there is any recompilation or reconfiguration of application(s) to prepare them for streamed delivery. Remarks dated February 28, 2006 state that the application is converted “ ... *into a data set suitable for streamed delivery ... “* This statement discloses a capability to prepare an application for delivery in a streamed format. Eylon discloses the capability to format an application for streamed delivery, which is analogous to the applicant’s invention. (see Eylon col. 5, lines 53-64)

Registry configuration parameters must be setup and installed (i.e. some form of an installation) on a client system in order to execute even a streamed application. Eylon discloses execution of a streamed application on a client system. In addition, Eylon discloses the capability to monitor application installation and processing. (see Eylon col. 8, lines 49-53)

Notably, the Examiner states at page 3 of the Office Action that "No mention is disclosed that the applications are not conventionally coded applications." This is untrue. The applicants respectfully assert that the probable reason Eylon does not refer to the streamed applications as "conventionally coded" is because they are not. Eylon quite clearly and redundantly describes the application as not conventionally coded, but rather stream-enabled. "Prior to streaming an application, the application files are divided into small segments called streamlets" (col. 5, lines 53-54). "In addition, a startup streamlet set is preferably sent to the client and which includes at least those streamlets containing the portions of the application required to enable execution of the application to be initiated" (col. 5, line 65 to col. 6, line 1). "Even though typically only a small fraction of the application's files (or portions thereof) are

locally present on the client, enough is generally present for the application to run to the point that user interaction is required" (col. 6, lines 21-25).

A conventionally coded application at the time the application was filed would not run on a machine unless it was installed. Eylon, on the other hand, describes an application that runs on a local machine without being installed. The Examiner's assertion that the applications of Eylon are conventionally coded because "no mention is disclosed that the applications are not conventionally coded applications" is not supported by any cited prior art. If the Examiner is relying on personal knowledge to support the finding of what is known in the art, the Examiner must provide an affidavit or declaration setting forth specific factual statements and explanation to support the finding. See CFR 1.104(d)(2)." MPEP 2144.03 (C).

The Examiner further states at page 3 of the Office Action that "no mention is disclosed that there is any recompilation or reconfiguration of application(s) to prepare them for streamed delivery." However, the applicants claim a process that reconfigures a conventionally coded application to a stream-enabled application. If Eylon does not disclose a reconfiguration of applications to prepare them for streamed delivery, then the Examiner should either withdraw the rejection or find a reference that does describe reconfiguration of a conventionally coded application for streaming.

The Examiner asserts at page 3 of the Office Action that "Eylon discloses the capability to format an application for streamed delivery, which is analogous to the applicant's invention. (see Eylon col. 5, lines 53-64)." The cited text refers to dividing application files into streamlets. Eylon does not describe how the streamlets are produced and the Examiner has provided no evidence that they are produced in a manner similar to that described in the claims. Since the Examiner is relying upon knowledge that is not in the record, the applicants respectfully request that the Examiner provide an affidavit or declaration setting forth specific factual statements and explanation to support the finding.

The Examiner asserts at page 3 of the Office Action that "registry configuration parameters must be setup and installed (i.e., some form of installation) on a client system in order to execute even a streamed application. Eylon discloses execution of a streamed application on a client system. In addition, Eylon discloses the capability to monitor application installation and processing. (see Eylon col. 8, lines 49-53)."

However, Eylon discloses at col. 8, lines 49-53 monitoring a streamed application. It makes no sense that the monitoring yield a data set suitable for deceiving the client into allowing streaming of bits of data over a network to the client such that the application program is capable of beginning execution on the client prior to downloading all of the application program, as in the independent claims. If the Examiner's assertions are taken seriously, the Examiner has created a system wherein an application is streamed to a client, but the client is where the data necessary for streaming is gathered. This is logically implausible.

Examiner's Response to Remarks (3.3)

As described above, the Examiner suggests that the client performs the reconfiguration of a conventionally coded application to a stream-enabled application. The Examiner suggests that "... redirecting registry information thereby creating a registry spoof capability..." is taught by Eylon. However, the Examiner asserts that Eylon describes the creation of a registry spoof capability at the client that is receiving a streamed application. The creation of registry spoof capability at the client is of dubious value, and the applicants respectfully assert that in any case, Eylon does not disclose the creation of registry spoof capability at the client that receives streamlets.

Examiner's Response to Remarks (3.4)

As described above, the Examiner suggests that the client performs the reconfiguration of a conventionally coded application to a stream-enabled application. The Examiner suggests that "... parameterizing the system registry modifications..." is taught by Eylon. However, the Examiner asserts that Eylon describes the parameterization at the client that is receiving a streamed application. The parameterization of system registry modifications at the client is of dubious value, and the applicants respectfully assert that in any case, Eylon does not disclose the parameterization of system registry modifications at the client that receives streamlets.

Examiner's Response to Remarks (Conclusion)

For at least any of these reasons, the applicants respectfully disagree with the Examiner's characterization of the cited prior art, the applicant's remarks, and the claims.

The Prior Art

Eylon et al. discloses a method and system for executing streamed applications from a server on a client system (see Abstract of Eylon et al.). Eylon et al. also discloses that the application to be executed is stored as a set of blocks or streamlets on a server (see col. 3, lines 57-59; Fig. 1). Eylon et al. does not appear to disclose the concept of converting a conventionally coded computer application program into a data set for streamed delivery over a network. **Notably, contrary to the Examiner's assertion that a streamed application is installed on a client, Eylon et al. state: "The application does not need to be installed on the client PC." (col. 3, lines 50-51).**

Schmeidler et al. discloses a method for distribution of data across networks (see col. 1, lines 26-31; Abstract). Schmeidler et al. also discloses a system for delivering on-demand content over broadband networks (Abstract). **Notably, contrary to the Examiner's assertion that a streamed application is installed on a client, Schmeidler et al. state: "The client process utilizes an installation abstraction which enables a title to be executed on the local computer system without ever being installed." (Abstract).**

Kumar et al. and Cheng et al. have nothing to do with streaming software.

The Prior Art Distinguished

The applicants respectfully assert that the remarks provided in the previous response to Office Action are sufficient to overcome the Examiner's original rejections. Accordingly, the applicants respectfully request the Examiner at least withdraw the finality of the rejection.

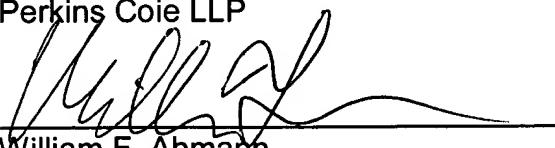
Conclusion

In view of the foregoing, applicants submit that the claims pending in the application comply with the requirements of 35 U.S.C. §112 and patentably define over the prior art. A Notice of Allowance is therefore respectfully requested.

If in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is encouraged to call the undersigned at (650) 838-4300.

Respectfully submitted,
Perkins Coie LLP

Date: September 19, 2006


William F. Ahmann
Registration No. 52,548

Correspondence Address:

Customer No. 22918
Perkins Coie LLP
P.O. Box 2168
Menlo Park, California 94026
(650) 838-4300